

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DANIEL LEE MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-686-G
)	
SARA ELIZABETH HILL et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Daniel Lee Mitchell, a state inmate, filed this federal civil rights action on August 4, 2023. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for preliminary review.

On August 25, 2023, Judge Erwin issued a Report and Recommendation (Doc. No. 5), in which he recommended this action be dismissed pursuant to 28 U.S.C. § 1915A. In the Report and Recommendation, Judge Erwin advised Plaintiff of his right to object to the Report and Recommendation. Judge Erwin also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

As of this date, Plaintiff has not submitted any objection to the Report and Recommendation despite three extensions of his deadline to do so.¹

¹ The Court's Orders were delivered to Plaintiff through U.S. Mail to his address of record, and two were returned as undeliverable. Plaintiff has not notified the Court of any further address change as required by Local Civil Rule 5.4.

CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 5) is ADOPTED in its entirety. This action is DISMISSED without prejudice. A separate judgment shall be entered.

IT IS SO ORDERED this 24th day of April, 2024.



CHARLES B. GOODWIN
United States District Judge